

REMARKS/ARGUMENTS

Reconsideration is of this application is requested. Claims 1-5 and 7-21 will be pending in the application subsequent to entry of this Amendment.

The claims have been amended in order to more particularly point out and distinctly claim that which applicants regard as their invention and direct them to preferred aspects of the disclosure. More specifically, the compositions now defined include a fat-soluble active ingredient in a matrix of a milk protein composition which additionally contains a plant protein. The combination of a milk protein and a plant protein leads to improved stability of the compositions as evidenced, for instance, in the attached Evidentiary Declaration of the senior inventor Mr. Funda in which Examples 1 and 2 of the application, which may serve as comparative examples as they do not contain plant protein materials, are compared with Example 3, which does fall within the scope of the amended claims, as well as an additional example, Example 4. The surprising results are presented in the attached Declaration the significance of which the examiner will quickly appreciate.

The claims have been amended in order to include the subject matter of claim 6 into claims 1 and 15. Claim 6 has been withdrawn as being redundant and the dependencies of claims 7 and 8 adjusted accordingly. Claim 1 also requires the protein be cross-linked by submitting the dry powder to heat treatment as in the manner of the last portion of claim 17.

Applicants respectfully submit that the amended claims presented above define subject matter that is inventive over the disclosures of the various documents summarized on pages 2-4 of the Official Action, particularly in light of the evidence submitted with this response.

The Official Action also includes a provisional obviousness-type double patenting rejection which applicants will address once allowable subject matter has been indicated.

All outstanding issues have been addressed and this application is in condition for allowance. Should any minor issues remain outstanding, the Examiner should contact the undersigned at the telephone number listed below so they can be resolved expeditiously without need of a further written action.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith

FUNDA et al
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(or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHIE P.C.

By: /Arthur R. Crawford/

Arthur R. Crawford
Reg. No. 25,327

ARC:eaw
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100